

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, *ex rel.*
State Engineer

Plaintiff,

vs.

ROMAN ARAGON, *et al.*,

Defendants.

69cv07941 BB-ACE

RIO CHAMA STREAM SYSTEM
Section 3: Rio Nutrias

Subfile No. CHNU-002-0002

MOTION TO VACATE CONSENT ORDER

COMES NOW the plaintiff State of New Mexico, *ex rel.* State Engineer and moves the Court to vacate the Consent Order filed February 26, 2002 (Doc. No. 6574) in connection with defendants Lucia A. Montoya and Robert A. Montoya (collectively “Montoya”) and subfile CHNU-002-0002, and as grounds therefore plaintiff states as follows:

1. After defendant Montoya signed and approved the Consent Order filed February 26, 2002 (Doc. No. 6574), the State received copies of deeds and survey plats from adjacent property owners showing that the boundaries mapped by the State were incorrect. The State has now correctly mapped the boundaries of the land under this subfile.

2. The Consent Order filed February 26, 2002 (Doc. No. 6574) should be vacated.

3. Defendant Montoya does not oppose the granting of this motion, and has signed and approved a revised Consent Order to be filed with the Court that corrects the errors described in paragraph one above.

WHEREFORE, the plaintiff State of New Mexico requests the Court to vacate the Consent

Order filed February 26, 2002 (Doc. No. 6574) in connection with defendants Lucia A. Montoya and Robert J. Montoya and subfile CHNU-002-0002.

Respectfully submitted,

/s/ Ed Newville
EDWARD G. NEWVILLE
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P.O. Box 25102
Santa Fe, NM 87504-5102
(505) 867-7444

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing was mailed to following this 27th day of September 2006:

Lucia A. Montoya
Robert A. Montoya
P.O. Box 244
Tierra Amarilla, NM 87575

and transmitted by ACE filing to the following on the same date:

Special Master Vickie L. Gabin
USDC-DCNM
P.O. Box 2384
Santa Fe, NM 87504-2384

Karla McCall, Data Manager
1315 Sagebrush Dr. SW
Los Lunas, NM 87031

/s/ Ed Newville
Edward G. Newville